

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA**

Effective in Cases Filed after January 1, 2004

MEMORANDUM ON COMPENSATION IN CHAPTER 13 CASES

I. Rule 2016 Statements

For administrative purposes, attorneys for debtors in Chapter 13 cases are relieved from filing detailed fee applications as required by Rule 2016 of the Federal Rules of Bankruptcy Procedure and Rule 2016-1 of the Local Rules of Bankruptcy Procedure for the Northern District of Alabama if all of the conditions and requirements as set forth in this Memorandum on Compensation in Chapter 13 Cases are met, including:

- A. The attorney for the debtor(s) shall file a Rule 2016(b) Disclosure of Compensation **and** a Statement of Attorney for Debtor in a Chapter 13 Case in a form that is in substantial conformance with the attached Exhibit A.
- B. The attorney for the debtor(s) **SHALL** perform all required and necessary services for the debtor(s) including but not limited to:
 - 1. Counseling with the debtor(s);
 - 2. Preparing and filing the chapter 13 petition and other documents;
 - 3. Attending the meeting(s) of creditors and confirmation hearing(s);¹
 - 4. Reviewing claims, filing claims and objecting to claims if necessary;
 - 5. Filing amendments, motions, adversary proceeding complaints, answers to complaints or any other required pleadings; and
 - 6. Attending all hearings when required.
- C. The fee charged and disclosed by the attorney for the debtor(s) does not exceed \$1,800.00, is for all services rendered, and is the total amount for the length and duration of the case. Attorneys are admonished that the fees charged should be commensurate with the nature and complexity of the case and should be based upon the reasonably anticipated amount of time to be expended on the case. If the attorney fails to perform all services as required in Paragraph B. above, then the Judge may refrain from awarding a fee and the Confirmation Order may require the filing of a fee application.

II. Proposal for Payment of Fees

The attorney for the debtor(s) shall include in the chapter 13 plan a detailed proposal consistent with the Bankruptcy Code as to how the attorney fee is to be distributed and paid by the Chapter 13 Trustee.

¹The attorney of record or an attorney with the law firm of record must appear to comply with this requirement.

III. Attorney Fee Applications

The attorney for the debtor(s) may elect to seek fees more than the amount stated in Section I.C. In that event, the attorney shall file a detailed fee application pursuant to Rule 2016(a) of the Federal Rules of Bankruptcy Procedure, and pursuant to the cases decided by the Eleventh Circuit Court of Appeals, for **all** fees in the case. The application shall also be in compliance with Local Rule 2016-1. The Bankruptcy Administrator will be expected to review or be responsible for reviewing those applications.

If the attorney for the debtor(s) is awarded a fee pursuant to this Section I. of this Memorandum on Compensation in Chapter 13 Cases and thereafter seeks compensation in excess of that amount, the attorney shall file a detailed fee application as described in this Section III. and pursuant to Rule 2016(a) of the Federal Rules of Bankruptcy Procedure and Rule 2016-1 of the Local Rules of Bankruptcy Procedure for the Northern District of Alabama.

IV. Chapter 13 Trustee Review

The Chapter 13 Trustee shall make a recommendation on each fee request. That recommendation should be based on a review of the petition and schedules and the attorney's participation in all stages of the case and further consistent with the appropriate and relevant factors regarding awards of compensation including the attorney's skill and experience. The Chapter 13 Trustee should file a written review and recommendation in each case before entry of an order on confirmation. The Trustee may raise or file an objection to the requested fees or the proposed payment of fees if either or both appear to be unreasonable, excessive, or inconsistent with the Bankruptcy Code and Rules. The Chapter 13 Trustee shall advise the Court if the attorney fails to appear in person at any creditor meeting or hearing.

V. Attorney Fees on Dismissal or Conversion

In the event that no plan is confirmed and the case is dismissed or converted, the Court may award compensation.

VI. Court Review

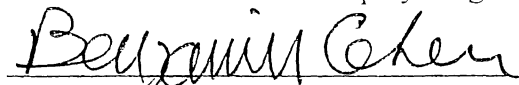
The Court may review any and all fees requested. *Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1303 (11th Cir. 1988).

Date signed: 10/24/03



TAMARA O. MITCHELL

Chief United States Bankruptcy Judge



BENJAMIN COHEN

United States Bankruptcy Judge



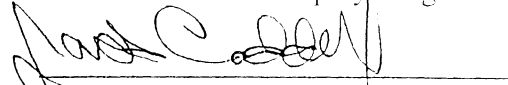
THOMAS B. BENNETT

United States Bankruptcy Judge



JAMES S. SLEDGE

United States Bankruptcy Judge



JACK CADDELL

United States Bankruptcy Judge



C. MICHAEL STILSON

United States Bankruptcy Judge

EXHIBIT

A

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA

DIVISION

In re:

Debtor(s).

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)
)

Case No.: ____ - ____ - ____ - ____

**STATEMENT OF ATTORNEY FOR
DEBTOR IN A CHAPTER 13 CASE**

I am a member of the bar of the Northern District of Alabama and submit this Statement as part of my representation of the above-named debtor(s) before the United States Bankruptcy Court for the Northern District of Alabama pursuant to the Memorandum on Compensation in Chapter 13 Cases effective July 1, 1998. In conjunction with this Statement the following information is provided:

A. I do not hold or represent any interest adverse to this estate except _____

B. I am a disinterested person, as that term is defined in Section 101(14) of the Bankruptcy Code.

C. As of the date of the filing of the petition, I was not owed any money by the debtor(s) or relative of the debtor(s) except _____

D. Within the one year preceding the filing of the petition, the debtor(s) paid me or my law firm, if anything, monies as listed below:
_____ None.

OR

<u>Date</u>	<u>Amount</u>	<u>Services</u>
____ - ____ - ____	\$ _____	_____
____ - ____ - ____	\$ _____	_____
____ - ____ - ____	\$ _____	_____

E. I have reviewed the Court's records to determine whether this/these debtor(s), or debtor(s)' spouse(s), has/have filed any other bankruptcy case(s) and have found that _____ case(s) has/have been filed. For all prior chapter 13 cases within this division, except the Eastern Division, copies of an interim statement from the Chapter 13 Trustee's Office are attached. For all prior chapter 7 cases or chapter 13 cases filed outside this division, the information requested below, if available from the Clerk's Office, is provided, beginning with the oldest case:

Case # _____	Case # _____	Case # _____
Filing Date ____-____-____	Filing Date ____-____-____	Filing Date ____-____-____
Dismiss/Convert/ or Discharge Dt ____-____-____	Dismiss/Convert/ or Discharge Dt ____-____-____	Dismiss/Convert/ or Discharge Dt ____-____-____
Total Claims \$ _____	Total Claims \$ _____	Total Claims \$ _____
Amount Paid \$ _____	Amount Paid \$ _____	Amount Paid \$ _____
Debtor's Attorney: _____	Debtor's Attorney: _____	Debtor's Attorney: _____
Fee Awarded \$ _____	Fee Awarded \$ _____	Fee Awarded \$ _____
Fee Paid \$ _____	Fee Paid \$ _____	Fee Paid \$ _____

I request a fee award of \$_____ for the normal and customary services performed in Chapter 13 cases. These services include:

1. Counseling with the debtor(s);
2. Preparing and filing the chapter 13 petition and other documents;
3. Attending the meeting(s) of creditors and confirmation hearing(s);
4. Reviewing claims, filing claims and objecting to claims if necessary;
5. Filing amendments, motions, adversary proceeding complaints, answers to complaints or any other required pleadings; and,
6. Attending all hearings when required.

If any additional fees are requested, another application will be made.

Attorney for the Debtor(s)

Date